



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

December 13, 1988

Honorable Barry E. Blackwell  
District Attorney  
Dallam County  
P. O. Box 643  
Dalhart, Texas 79022

LO-88-132

Dear Mr. Blackwell:

Because of the tremendous increase in the volume of requests for opinions and open records decisions, we are responding to your request with the enclosed Letter Opinion or Open Records Ruling. A Letter Opinion or Open Records Ruling has the same force and effect as a formal Attorney General Opinion or Open Records Decision, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent Letter Opinion or Open Records Ruling, a formal Attorney General Opinion or Open Records Decision, or a decision of a court of record.

Very truly yours,

A handwritten signature in black ink that reads "Jim Mattox". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

**J I M   M A T T O X**  
Attorney General of Texas

JAM/bc  
Enclosure



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Honorable Barry E. Blackwell  
District Attorney  
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Dear Mr. Blackwell:

You ask whether an individual may serve both as a school board trustee and a county commissioner.

Article XVI, section 40, of the Texas Constitution prevents one person from holding two "offices of emolument." That provision, however, is not applicable to county commissioners.

The common law doctrine of incompatibility prevents one person from accepting two offices where one office might impose its policies on the other or subject it to control in some way. Attorney General Opinion JM-129 (1984). In Attorney General Opinion JM-129 this office considered whether a member of a junior college board of trustees could serve simultaneously as a county commissioner. The opinion concluded that the offices were incompatible for a number of reasons. For example, the opinion pointed out a trustee who also served as a county commissioner might let county policy influence his vote on school district consent to the opening of a public road across land owned by a school district, thus subordinating the junior college district's interests to the county's. See Educ. Code § 2.04. The same reasoning would apply to the situation you ask about. Therefore, we conclude that the doctrine of incompatibility prevents one person from holding simultaneously the office of county commissioner and the office of school board trustee of a district within the county.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Sarah Woelk".

Sarah Woelk, Chief  
Letter Opinion Section  
Opinion Committee

SW/bc  
Enclosure  
4967